





S P E E C H

O F

HON. JAMES W. GRIMES, OF IOWA,

O N T H E

SURRENDER OF SLAVES BY THE ARMY;

D E L I V E R E D

I N T H E S E N A T E O F T H E U N I T E D S T A T E S , A P R I L 1 4 , 1 8 6 2 .

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W A S H I N G T O N :

P R I N T E D A T T H E C O N G R E S S I O N A L G L O B E O F F I C E .

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## SPEECH.

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On motion of Mr. WILSON, of Massachusetts, the Senate proceeded to consider the following resolution, submitted by him on the 3d of April:

*Resolved*, That the Committee on Military Affairs and the Militia be directed to consider and report whether any further legislation is necessary to prevent persons employed in the military service of the United States from aiding in the return or control over persons claimed as fugitive slaves, and to punish them therefor.

Mr. GRIMES. I propose to amend the resolution by adding to it:

And to report what reorganization of the Army in its personnel, or otherwise, may be necessary to promote the public welfare, and bring the rebellion to a speedy and triumphant end.

It is, of course, to be expected that there will be great differences of opinion among the friends of the Government as to the manner in which the present war should be conducted. Such differences are the natural results of our various domestic institutions, systems of education, modes of thought, degrees of civilization, and of individual opinions of the necessities of our situation. But there are certain great fundamental principles upon which, one would think, all ought to agree. We certainly ought to do nothing and suffer nothing to be done calculated in any degree to repel or paralyze the efforts of our friends at home, who are doing everything in their power to encourage and sustain the soldiers in the field. While inculcating the necessity of the strictest obedience to military duty, it should be constantly borne in mind that ours are a citizen soldiery, soon to return to the bosom of civil society, and that the performance of no unsoldierly duty should be required of them that would be calculated to impair their self-respect, diminish their regard for their officers, incite them to rebel against discipline, or taint their reputations at home. It must not be expected that the natural instincts of humanity will be stifled by military orders, and surely our soldiers should not be required to assist in the perpetration of acts against which every enlightened sentiment of their hearts revolts. One would think that all men would agree in pronouncing that a cruel and despotic order which repeals the divine precept, "inasmuch as ye did it not to one of the least of these ye did it not to me," and arbitrarily forbids the soldier to bestow a crust of

bread or a cup of water upon a wretched, famishing fugitive escaping from our own as well as from his enemy. Yet, Mr. President, I grieve to say that there are those high in rank in the service of the United States who have sought to break down the spirit of manhood, which is the crowning glory of true soldiers, by requiring them to do acts outside of their profession which they abhor, and to smother all impulses to those deeds of charity which they have been taught to believe are the characteristics of Christian gentlemen.

It was known to the country at an early day after the commencement of the war, that some military commanders were abusing the great power intrusted to them, and were employing the Army to assist in the capture and rendition of fugitive slaves, not in aid of any judicial process, but in obedience to their own unbridled will. The effect of this assumption of unauthorized power was to incite the soldiery to disobedience, and to arouse the people to the necessity of proper legislative restraints. It was in compliance with the popular sentiment on this subject that Congress enacted the additional article of war, which was approved on the 13th of March last, and which declared that

"All officers or persons in the military or naval service of the United States are prohibited from employing any of the forces under their respective commands for the purpose of returning fugitives from service or labor, who may have escaped from any persons to whom such service or labor is claimed to be due, and any officer who shall be found guilty by court-martial of violating this article shall be dismissed from the service."

It was intended by this article to prevent the military service from becoming odious to the people who support the war, and degrading to those who have volunteered to fight under our banners. It simply declares that the Army of the United States shall not be perverted from the legitimate use for which it was raised, while it interferes in no degree with the claim of any man to a person alleged to be a slave; it leaves questions of that character to be settled, and rights of that description to be enforced by other than the military authority. The intention of those who voted for that article was, not to abridge any man's rights, but to leave every one to his legal remedies as though no war existed.

How is this new article of war enforced? It has been promulgated to the Army it is true. It may not be openly and avowedly violated. Soldiers may not hereafter be required to actually perform the humiliating office of fastening manacles upon the limbs of persons said to be slaves, nor to escort them to the residences of their masters; but the experience of the last few days has taught us that, notwithstanding the new article of war, our military officers suffer their camps to be invaded by armed detachments of slave-hunters, without the support of any process of law, who there attempt to shoot, maim, and kill with impunity those whom they claim to be slaves, while our soldiers are required to stand indifferently by and witness the inhuman work. There seems to be a purpose in some quarters to do by indirection what cannot be done directly. The object being to serve slaveholders, whether loyal or rebel, (and they are generally rebels,) there seems to be a disposition on the part of some officers to travel around a law which they dare not break through. Unable any longer to compel the soldiers to engage in the search, capture, and rendition of slaves, they now authorize slave-hunters, armed with pistols and military orders, to traverse their camps in search of their prey, and, by threat of military punishment, attempt to compel the soldiers to remain quiescent witnesses of the atrocities that may be committed. There is no controversy about the fact, the evidence is overwhelming and is to be found on every hand. General Joseph Hooker, a native of Massachusetts, in command of a division of our Army, a short time since issued an order, of which the following is a copy:

HEADQUARTERS, HOOKER'S DIVISION, CAMP BAKER,  
LOWER POTOMAC, March 26, 1862.

*To Brigade and Regimental Commanders of this Division:*

Messrs. Nally, Gray, Dummington, Dent, Adams, Speake, Price, Posey, and Cohey, citizens of Maryland, have negroes supposed to be with some of the regiments of this division; the brigadier general commanding directs that they be permitted to visit all the camps of his command, in search of their property, and if found, that they be allowed to take possession of the same, without any interference whatever. Should any obstacle be thrown in their way by any officer or soldier in the division, they will be at once reported by the regimental commanders to these headquarters.

By command of Brigadier General Hooker.

JOSEPH DICKINSON,  
*Assistant Adjutant General.*

It will be observed that this order authorizes nine persons, citizens of Maryland, to visit the camps of Hooker's division, without any judicial or other process than this military order, and there search for slaves "without any interference whatever," and "should any obstacle be thrown in their way, by any officer or soldier in the division," they are threatened with an instant report to headquarters and a consequent court-martial and punishment. The appearance and conduct of this band of marauders produced precisely the result that might have been anticipated. In describing it, I use the language of the officer in command of one of the regimental camps which they visited and attempted to search:

HEADQUARTERS SECOND REGIMENT

EXCELSIOR BRIGADE, CAMP HALL, March 27, 1862.

LIEUTENANT: In compliance with verbal directions from Brigadier General D. E. Sickles, to report as to the occur-

rence at this camp on the afternoon of the 26th instant, I beg leave to submit the following:

At about 3.30 o'clock, p. m., March 26, 1862, admission within our lines was demanded by a party of horsemen, (civilians,) numbering, perhaps, fifteen. They presented the lieutenant commanding the guard with an order of entrance from Brigadier General Joseph Hooker, commanding division, (copy appended,) the order stating that *nine* men should be admitted. I ordered that the balance of the party should remain without the lines; which was done. Upon the appearance of the others, there was visible dissatisfaction and considerable murmuring among the soldiers, to so great an extent that I almost feared for the safety of the slaveowners. At this time General Sickles opportunely arrived, and instructed me to order them outside the camp, which I did, amidst the loud cheers of our soldiers. It is proper to add, that before entering our lines, and within about seventy-five or one hundred yards of our camp, one of their number discharged two pistol shots at a negro, who was running past them, with an evident intention of taking his life. This justly enraged our men.

All of which is respectfully submitted.

Your obedient servant, JOHN TOLEN,

*Major Commanding Second Regiment, E. B.*

Lieutenant J. L. PALMER, Jr., *J. D. C. and A. A. A. G.*

Mr. President, are such scenes as were witnessed in this camp calculated to promote discipline and to inspire respect for the officers in command, or affection for the Government that tolerates them? Doubtless, such officers will find methods to gratify their tastes in this direction, but I trust that they will not long be permitted to torment better men than themselves, who happen to be their inferiors in rank. Is it unreasonable to ask the Government to see to it that the spirit of the law of Congress shall not be evaded by indirection; and that examples of passion and violence and murder shall not be exhibited in our camps with the connivance or under the authority of our military officers?

The Senator from Ohio made to us, a few days ago, a most extraordinary statement of the condition of affairs at the capital of his own State. In one of the military camps in the city of Columbus, are several hundred rebel prisoners of war. Some of them are attended by colored servants, claimed as slaves. These servants have been transported at Government expense, fed, clothed, and doctored by the Government; and while the rebel officers are allowed the freedom of the city upon parole, the servants are strictly guarded and confined in camp by our own soldiers. The free State of Ohio is virtually converted by the order or by the assent of a military commander, and against the wishes of the people, into a slave State; and that order is enforced by men in our employment and under our pay. And this state of things does not exist in Columbus alone. Much indignation was felt and expressed in the State of Illinois, where the same practice was allowed to prevail among the prisoners captured at Fort Donelson. The greater part, if not all, of these prisoners, who had slaves attending them at the camp near Chicago, were transferred soon after arriving there, the Government paying the cost of transporting both whites and blacks. Whether this transfer was prompted by a knowledge of the popular indignation that had been excited, and a fear lest the tenure by which the prisoners held them as slaves was hourly becoming more and more insecure, I will not undertake to say.

How long, think you, will this method of dealing with the rebels be endured by the freemen of

this country? Are our brothers and sons to be confined within the walls of the tobacco warehouses and jails of Richmond and Charleston, obliged to perform the most menial offices, subsisted upon the most stinted diet, their lives endangered if they attempt to obtain a breath of fresh air, or a beam of God's sunlight at a window, while the rebels captured by those very men are permitted to go at large upon parole, to be pampered with luxuries, to be attended by slaves, and the slaves guarded from escape by our own soldiers? Well might the General Assembly of the State of Ohio ask, in the language of a committee of their Senate:

"Why were these slaves taken at all? They were not, and had not been in arms against the Government—their presence at Fort Donelson was not even voluntary. Why are they retained in prison? They have done no wrong—they deserve no punishment. Is it to furnish rebel officers with servants? And was it for this they were transported at the expense of the Government and are now subsisted at her cost? Is our constitutional provision thus to be made a nullity, and slavery practically established in Ohio? And this under the protection and at the expense of the Federal Government?"

Mr. McDougall. Will the Senator allow me to ask a question of the Senator from Ohio?

Mr. GRIMES. Yes, sir.

Mr. McDougall. Was it stated that the slaves of Tennessee were kept as prisoners of war in Ohio? I did not understand you so to state it.

Mr. SHERMAN. Slaves were captured at Fort Donelson, brought to Ohio, and put in the same prison with their masters, and kept there.

Mr. McDougall. And held as prisoners?

Mr. SHERMAN. Held there and rendered menial service to those officers.

Mr. McDougall. I understood you to state that they waited on their masters; but I did not understand you to state that they were held by the Government of the United States.

Mr. SHERMAN. They were held by the Government of the United States, and draw rations now, and are supported by the Government of the United States. I will state for the benefit of my friend that I have here a letter from the chairman of the committee of the Senate who made that report.

Mr. GRIMES. The Senator will permit me to go on, and it can be read afterwards.

Mr. SHERMAN. Certainly.

Mr. GRIMES. In the month of February last, an officer of the third regiment of Iowa infantry, stationed at a small town in Missouri, succeeded in capturing several rebel bridge-burners, and some recruiting officers belonging to Price's army. The information that led to their capture was furnished by two or three remarkably shrewd and intelligent slaves, claimed by a lieutenant colonel in the rebel army. Shortly afterwards the master dispatched an agent, with instructions to seize the slaves and convey them within the rebel lines, whereupon the Iowa officer himself seized them and reported the circumstances to headquarters. The slaves soon understanding the full import of General Halleck's celebrated order No. 3, two of them attempted an escape. This was regarded as an unpardonable sin. The Iowa officer was immediately placed under arrest, and a detachment of the Missouri State militia—men in the pay of

this Government and under the command of General Halleck—were sent in pursuit of the fugitives. The hunt was successful. The slaves were caught and returned to their traitor master, but not until one of them had been shot by order of the soldier in command of the pursuing party.

Mr. President, how long shall we permit such conduct as this to go unrebuted? Does any one suppose that the people will quietly submit to the imposition of taxes to support a State militia in the field that is to be employed in the capture of slaves for the benefit of officers in the rebel army? Is it supposed that the Senators from Iowa will silently, patiently permit the gallant officers from that State to be outraged in the manner I have described?

It is quite time, Mr. President, that some definite policy should be established for the treatment of escaped slaves; and I am of the opinion that Congress has been grossly derelict in permitting the evil to go so long unregulated and unchecked. We have almost as many diverse systems of dealing with this class of persons as we have military departments. In one military district fugitive slaves have been pursued, flogged, and returned to their masters by our Army; in another they have been simply pursued and returned without flogging; in another they have been pursued and shot in the attempt to return them; in another they have been termed "contraband," and received within our lines in the mixed character of persons and property. In the absence of any authoritative declaration of Congress, none of these modes may be held to be in conflict with law other than the law of common sense and common decency.

It is obvious that the article of war which I have quoted does not meet the case presented by Major General Halleck in his order No. 3. That celebrated manifesto declares in substance that all persons from the enemy's country shall be excluded from our lines. The plain purpose of the order is to prohibit fugitive slaves from escaping from the rebellious districts, and thereby securing their freedom. It was doubtless competent for General Halleck to issue such an order, and it is equally competent for Congress, which has made and continues to make articles of war for the government of the Army and Navy, to countermand it. And, sir, it ought to be countermanded. I will not pause to discuss the humanitarian features of the question. Public policy, no less than popular feeling, demands that order No. 3 be forever erased. There never was a war waged in the history of the world where the means of acquiring information of the enemy's position and numbers from people in his own midst was more ample than here, and there never was one where the commanding officers have suffered more from lack of such information. Order No. 3 proposes to incorporate the fatuity and blindness which remained unwritten in other military departments into a historical record and a public advertisement. It proposes to warn all persons against bringing information of the enemy's movements to our camps under penalty of being turned back to receive such punishment as the enemy may choose to inflict for betraying them, or for running away and betraying combined. No organ-

ization of secret service can meet all the requirements of an army operating in an enemy's country, unless aided by some portion of the inhabitants of the country. What folly, then, to wall out and repel the very inhabitants who might bring us the information we most need, and who have everywhere shown an eagerness to do so!

It is the undoubted right and the duty of every nation, when engaged in a righteous war—and no other than a righteous war is justifiable at all—to avail itself of every legitimate means known to civilized warfare to overcome its enemies. What will be thought by posterity of this nation, if, in the present emergency, we not only fail to employ the agencies which Providence seems to have placed at our disposal, but actually seek every opportunity to exasperate and drive from our support those who are anxious to serve us? Were the Russian nobles now engaged in a rebellion against their Government, would we not regard their emperor as guilty of the greatest folly if he not only declined to enlist the serfs of his empire to aid in suppressing the insurrection, but repelled them from his service and allowed his generals to return them to his rebellious nobles, to be used by them in overthrowing his authority? And can any one tell me the difference between the case I have put and our own?

The whole history of the world does not exhibit a nation guilty of such extreme fatuity as has marked the conduct of our Government in its treatment of the colored population since the present war began. It seems to be impossible to convince ourselves that *war*, with all of its attendant responsibilities and calamities, really exists, and that future generations will not hold those guiltless who refuse to use any of the means which God has placed in their hands to bring it to a speedy and successful termination. History will pronounce those men criminal who, in this crisis of the nation's fate, consult the prejudices of caste or color, and regard the interests of property of paramount importance to the unity of the nation.

It is useless to attempt to blink out of sight the great issues before us; issues that must be settled, and settled by us. It were wiser and more manly to meet them squarely and at once. We are in the midst of the greatest revolution that ever occurred in ancient or modern times. Such armies as are now marshaled in hostile array on this continent, in point of numbers, equipment, and expense, have been hitherto unknown in the annals of mankind. We are imposing burdens in the form of taxes that will be felt by unborn generations. We are suffering much now; we expect and are willing to suffer more. And why? Because we desire to preserve the integrity of our nation; because we believe that Heaven designed us to be one people with one destiny; the freest and happiest on earth. It was to preserve that unity of our national existence that our sons and brothers have gone forth to do battle. For this it was that the gallant men of Iowa have freely, triumphantly, laid down their lives at Wilson's Creek, Blue Mills, Belmont, Fort Donelson, Pea Ridge, and Pittsburg. And shall we, after these great sacrifices of life and treasure, hesitate about

employing any of the instrumentalities in aid of the country that are known to civilized warfare? Shall we not be recreant to our high trust if we doubt or delay in this particular?

This war will go on until rebellion is subdued. Upon this point there need be no controversy. Rely upon it, the northwestern States will submit to no temporizing or compromising policy. They are too much in earnest; they have suffered too much already; they know too well what they would be compelled to suffer in the future to allow treason to go unpunished. It is because they desire to prevent the recurrence of the rebellion that they demand that it shall now be thoroughly crushed out. Among things necessary to bedone to fully accomplish this purpose, we must conquer and hold all of the forts and strong positions on the south Atlantic and Gulf coasts. How shall they be garrisoned when captured? This is a question we shall soon be compelled to answer; and I am prepared for its solution. I answer it unhesitatingly that we should garrison them, in whole or in part, by soldiers of African descent; that instead of returning slaves to their rebel masters to fight against us, we should employ them in our own military service.

I know very well that this proposition encounters at once all the prejudices that have been engendered by differences of race, education, and social position; but let us look at it a moment soberly and practically. It is assumed as admitted by all that the southern forts must be captured and strongly garrisoned for some years to come. They are situated in a warm and enervating climate, and the particular location of nearly all of them renders them more than usually unhealthy, even for that section of the country. In addition to the forts already established, we shall be compelled to build new ones. The rebels rely upon the diseases of their climate to decimate our northern army in the summer and autumnal months; and their confidence is well placed. Our troops will wither before the fevers of the Gulf coast as vegetation does before the blast of the sirocco. Now, we have in our midst thousands of hardy, athletic, colored men, fitted by nature to endure the heat and miasma of the tropics, and some of them accustomed to it, who are panting to be employed in the capacity of soldiers. Many of them having been in a state of bondage, have been abandoned by their masters, and are now thrown upon us for support. Some of them were forced by our enemies into their military service, and have deserted from it. They implore our protection, and we must give it, if we would not become a "scorn and derision" among the nations of the earth. They have shown on divers occasions, both on sea and land, that they belong to a warlike race. They are obedient and teachable. They can be subsisted much cheaper than white soldiers, can perform more labor, and are subject to fewer diseases in a warm climate.

Now, with these facts before us, shall we refuse to employ them? What substantial reason can be given for not doing so? Is it because they have not the proper capacity for command? Then give them white officers, as is done by the British Government to the same race, by the French Govern-

ment to the Arabs, and by the Russian Government to the Tartars and other semi-barbarous soldiers within that empire. Is it because they do not possess the average courage of soldiers? In addition to the testimony in disproof of this, furnished a few days ago by the Senator from Massachusetts, [Mr. WILSON,] I refer you to your vessels of war, where you have hundreds of these men employed, and none more valiant. Is it because they are not obedient to command? The whole history of the race shows the contrary, for if there is any one thing for which they are remarkable more than another, it is their confiding submission to the will of their superiors. Is it said that we have white soldiers enough for all of our purposes? True, we have a large army, composed of men of unsurpassed valor and patriotism, who, if we require it, will sacrifice their lives for their country, whether by the sword or by disease; but I would, if I could, recall a portion of them to their homes and to the industrial pursuits of life. Am I told that the enrollment of a few colored soldiers will be regarded by the Army as humiliating to them? Mr. President, those public men fail to comprehend the character of American soldiers who suppose that they are fighting for mere military glory, or that in this critical hour they are controlled by ignoble prejudice against color or race. They are citizens and tax payers as well as soldiers. They want the rebellion speedily crushed and the supreme authority of the law established, leaving social and political questions to be settled afterwards. They feel that the desertion of every colored soldier, artificer or laborer from the rebellious States withdraws aid and support from the rebellion, and brings it so much nearer to an end. They cannot understand, nor can I, that refined casuistry that justifies us in converting the enemy's horse or ox to our use, and in turning their inanimate engines of destruction against themselves, but denies to us the right to turn their slaves, their animate hostile engines in human form, to the same purpose. They cannot imagine why it is that some gentlemen are so willing that men of the African race should labor for them, and so unwilling that they should fight for them.

What a wonderful difference of action and sentiment there is on this subject between the officers of the Army and Navy. While officers of the Army have disgraced themselves, annoyed and incensed their subordinates, dishonored the country, and injured the public service by the promulgation of their ridiculous orders about slaves, no officer of the Navy, thank God, has ever descended to follow their example. Their noble, manly, generous hearts would revolt at the idea of having imposed upon them the humiliating duty of capturing and returning fugitive slaves. They serve their country, not rebel slaveowners. They think that duty to the country requires them to avail

themselves of the services of these people instead of driving them back to their masters, or suffering them to starve; and they act upon this conviction. At the taking of Hatteras, one of the large guns of the Minnesota was wholly manned and worked by persons called "contrabands," and no gun on the ship was better served. These people are, it is well known, remarkable for the proficiency they soon acquire as炮手. On the same ship is a boat's crew, every one of whom, including the coxswain, is a colored man, and there are none more skillful, or render more satisfactory service to the officers of the vessel. The whole country knows the services rendered by them to Commodore Dupont and to the vessels under his command. They have acted as pilots, and in the most important positions, and I have the authority of the two superior officers of that fleet for saying that they have never been deceived or misled by any one of them. I am convinced that our expedition to the south Atlantic coast would not have been so perfect a success as it has been but for the slaves found there, and who were employed by our naval officers. There are more or less of them on all of our vessels of war. They are efficient men, and their presence produces no discord among the crews.

Mr. President, I wish to be distinctly understood. I advocate no indiscriminate arming of the colored race, although I frankly confess that I would do so were it necessary to put down the rebellion. I do not favor this proposition merely because of its anti-slavery tendency. I approve it because it will result in a saving of human life and in bringing the rebellion to a speedier termination. It is my business to aid in bringing this war to a close by conquering an unconditional peace in the least expensive and speediest manner possible. Acting upon this idea of my duty, and believing that humanity and the best interests of the country require the enrollment of a few colored regiments for garrisoning the southern forts I shall vote, whenever an opportunity shall be afforded me, for converting a portion of the colored refugees into soldiers, instead of forcing them back into servitude to their rebel masters and their rebel government. We may hesitate to do this. Our hesitation will cost us the valuable lives of many of our own race who are near and dear to us. Our hesitation to use the means which Providence seems to have placed in our hands for crushing the rebellion may carry desolation to many a loyal hearthstone. But we must adopt this policy sooner or later, and in my opinion the sooner we do it the better. The rebels have this day thousands of slaves throwing up intrenchments and redoubts at Yorktown, and thousands of them performing military duty elsewhere; and yet we hesitate and doubt the propriety of employing the same race of people to defend ourselves and our institutions against them. Mr. President, how long shall we hesitate?





